

Sydney Church of England Grammar School (Shore)  
C/- Bloompark  
Suite 2.04, 41 McLaren Street  
NORTH SYDNEY NSW 2060

D103/18  
DWH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 103/18/2 – APPROVAL**

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**Development Consent Number:** 103/18/2

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**Land to which this applies:** 1 Hunter & 14 William Street, North Sydney  
DP: 18725

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**Applicant:** Sydney Church of England Grammar School (Shore)

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**Proposal:** Modification of DA 103/18 to delete conditions A3, A5, A6, A7, A9 & A10

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Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **103/18** and registered in Council's records as Application No. **103/18/2** relating to the land described as **1 Hunter & 14 William Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 29 November 2018, has been determined in the following manner: -

1. *Condition Nos A5, A6, A7, A9 and A10 are deleted.*
2. *Condition A3 is amended to read as follows:*

**Reversion to Residential Use**

- A3. The owner of the land is to ensure that at the completion of works under Major Project SSD 7507 or cessation of use of the site for the purpose of site office(s), a report is to be prepared by a suitably qualified and practicing Building Surveyor outlining all works required to be carried out to convert the buildings back to residential units in accordance with the requirements of Clause 94 of the Environmental Planning & Assessment Regulations and the National Construction Code.

All work required to be undertaken to return the buildings to habitable residential use is to be undertaken to the satisfaction of a qualified and practicing Building Surveyor prior to occupation of the premises for residential purposes. A schedule of essential fire safety measures required to be implemented is to be prepared and a copy provided to Council prior to occupation of any of the premises for residential purposes.

The required works must provide for eight (8) 2-bedroom units within the two existing buildings, unless separate and further consent is obtained for another use.

(Reason: To clarify the nature of the temporary use, to provide for the ongoing residential use of the buildings and ensure proper management of land)

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The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and found to be generally satisfactory.

The proposed modifications are considered to be of minimal environmental impact and are consistent with the reasons given for the grant of consent to originally approved development application and s.4.55 of the EP & A Act 1979.

**Reason for approval:**

The modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 and 4.15 of the Environmental Planning & Assessment Act 1979, the application is considered to be a reasonable response in the circumstances and is recommended for approval subject to amended conditions

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**How community views were taken into account:**

The application has not, and is not required to be notified, as the proposed modification relates to the lawful application of conditions only and would not affect any adjoining land or other party. Notwithstanding, two (2) submissions have been received objecting to the proposal. Issues raised in the submissions have been addressed in the delegated report.

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The conditions attached to the original consent for Development Application No. 103/18 by endorsed date of 29 November 2018 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
- (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
  - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
  - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

**Endorsed for and on behalf of North Sydney Council**

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DATE

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Signature on behalf of consent authority  
DAVID HOY  
TEAM LEADER ASSESSMENTS